

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-954**

**STUDENTS FOR FAIR
ADMISSIONS, INC.,**

Plaintiff,

v.

**UNIVERSITY OF NORTH
CAROLINA et al.,**

Defendants.

**DEFENDANTS' FIFTH
SUPPLEMENTAL INITIAL
DISCLOSURES**

Pursuant to Fed. R. Civ. P. 26(a)(1), Defendants the University of North Carolina et al. hereby supplement their Initial Disclosures submitted May 20, 2015 and Supplemental Disclosures submitted September 28, 2016, January 11, 2017, February 3, 2017, and May 30, 2017 (collectively, the "Initial Disclosures"). Defendants reserve the right to further supplement and amend their disclosures as necessary and appropriate, including to add additional witnesses and documents.

I. Individuals with Discoverable Information Defendants May Use to Support Their Defenses

In addition to the individuals disclosed in Defendants' Initial Disclosures, Defendants may use the following individuals to support their defenses:

A. Individuals Associated with Defendants

University Faculty and Staff

1. Robert Blouin, University of North Carolina at Chapel Hill Provost and Executive Vice Chancellor¹

c/o Defendants' Counsel

Information regarding the University's mission and goals and the critical role of a diverse undergraduate population to the University's ability to achieve its educational, research, and service mission. Mr. Blouin also has information regarding the University's assessment of its efforts to realize the educational benefits of diversity and inclusion.

2. Yolanda Keith, Program Director, Carolina College Advising Corps

c/o Defendants' Counsel

Information regarding Carolina College Advising Corps program, the University's efforts to provide college access to low-income, first-generation, and underrepresented students; and why a diverse undergraduate student body is critical to the University's ability to fulfill its service mission and goals.

3. Rachelle Feldman, Associate Provost and Director, University Office of Scholarships and Student Aid

c/o Defendants' Counsel

Information regarding the role of the Office of Scholarships and Student Aid in student recruitment and retention; the University's provision of scholarships and aid to undergraduate students; the University's commitment to ensuring access to the University as part of its public service mission; efforts to increase diversity and inclusion at the University, including socioeconomic diversity; and the University's scholarship and aid programs, including the Carolina Covenant program.

¹ Defendants' Initial Disclosures named James Dean as the University Provost. Mr. Blouin succeeded Mr. Dean as Provost on September 18, 2017.

4. Brian Smith, Senior Assistant Vice Chancellor and Treasurer,
University Finance and Operations

c/o Defendants' Counsel

Information regarding the University's finances and the stewardship
of the University's financial resources.
5. Jonathan Pruitt, University Vice Chancellor of Finance and
Operations

c/o Defendants' Counsel

Information regarding the University's finances and the stewardship
of the University's financial resources.

Other University Officers, Faculty, Staff, and Students

1. Current and former members of the University Board of Trustees
with knowledge of the educational benefits of diversity and
knowledge of the University's mission, history, and commitment to
diversity. Defendants will supplement its disclosures when the
identity of these witnesses is ascertained.
2. Current and former University administrators, faculty, staff,
students, and friends of the University with information Defendants
pertinent to the claims and defenses who have not yet been
discovered.

II. Categories and Location of Documents Defendants May Use to Support Their Defenses

In addition to the categories of documents identified in Defendants' Initial Disclosures, Defendants may use the following categories of documents to support their defenses:

1. Documents related to the importance of diversity to the University's mission;
2. Documents related to the University's consideration of race-neutral admission alternatives;
3. Documents related to the University's identification of and institutional assessment of the educational benefits of diversity; and

4. Information about diversity and the educational benefits of diversity available on the University's website.

All documents are believed to be at the University and will be made available upon request to Defendants' counsel.

Submitted July 13, 2018

/s/ Patrick Fitzgerald

Patrick Fitzgerald
Lara Flath
Marianne Combs
Skadden, Arps, Slate, Meagher & Flom,
LLP
155 North Wacker Drive
Chicago, IL 60606-1720
(312) 407-0877
E: patrick.fitzgerald@skadden.com

JOSH STEIN

Attorney General

/s/ Stephanie Brennan

Stephanie Brennan
Special Deputy Attorney General
NC State Bar No. 35955
E: sbrennan@ncdoj.gov

/s/ Lisa Gilford

Lisa Gilford
Skadden, Arps, Slate, Meagher & Flom,
LLP
300 South Grand Ave.
Suite 3400
Los Angeles, CA 90071
(213) 687-5130
E: lisa.gilford@skadden.com
Attorneys for Defendants

/s/ Nora Sullivan

Nora Sullivan
Assistant Attorney General
NC State Bar No. 43284
E: nsullivan@ncdoj.gov
NC Department of Justice
Post Office Box 629
Raleigh, NC 27602-0629
T: (919) 716-6920
F: (919) 716-6764
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2018, I electronically mailed the foregoing SUPPLEMENTAL INITIAL DISCLOSURES to the following:

Thomas R. McCarthy
William S. Consovoy
J. Michael Connolly
Bryan Weir
Patrick Strawbridge
CONSOVOY MCCARTHY PLLC

Andrew Allen Freeman
Alan M. Ruley
Bell, Davis & Pitt P.A.

Attorneys for Plaintiff

This 13th day of July, 2018

/s/ Marianne H. Combs
Marianne Combs
Skadden, Arps, Slate, Meagher &
Flom, LLP
155 North Wacker Drive
Chicago, IL 60606-1720
(312) 407-0877
E: marianne.combs@skadden.com
Attorney for Defendants